



November 30, 1999

Ms. Kimberley Mickelson  
Olson & Olson  
Attorneys at Law  
Three Allen Center Suite 3485  
333 Clay Street  
Houston, Texas 77002

OR99-3422

Dear Ms. Mickelson:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 131171.

The City of Friendswood (the "city"), which you represent, received a request for documentation relating to animals impounded and/or picked up during a specified time period. You claim that the requested documents include information that is excepted from public disclosure under section 552.101 of the Government Code. We have considered the exception you claim and have reviewed the information you submitted.

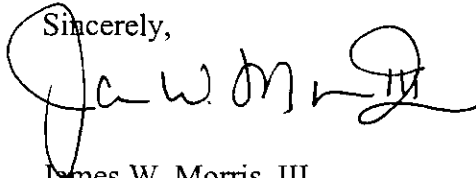
Section 552.101 excepts from required public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Social security numbers and related records are excepted from disclosure under section 552.101 in conjunction with 1990 amendments to the federal Social Security Act, 42 U.S.C. § 405(c)(2)(C)(viii)(I), *if the social security number information was obtained or is maintained by a governmental body pursuant to any provision of law enacted on or after October 1, 1990*. See Open Records Decision No. 622 (1994). You state that the police department obtains the social security numbers pursuant to an internal department policy. Such a policy is not an enacted law contemplated by the federal provision. Thus you may not withhold the

social security numbers pursuant to the federal provision.<sup>1</sup>

Although you have not raised any other exception, we must consider whether the requested documents include information that is excepted from public disclosure under section 552.130 of the Government Code.<sup>2</sup> Section 552.130 excepts from disclosure information relating to a driver's license issued by an agency of this state. The city must withhold the driver's license numbers under section 552.130.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'J W Morris III', written over the word 'Sincerely,'.

James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/cwt

Ref: ID# 131171

Encl. Submitted documents

cc: Mr. Jeff Branscome  
308 Woodstream Circle  
Friendswood, Texas 77546  
(w/o enclosures)

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<sup>1</sup>We note your statement that, to the best of the city's knowledge, none of the social security information in question here is potentially subject to section 552.117 of the Government Code. Accordingly, we do not address section 552.117.

<sup>2</sup>This office will raise an exception on behalf of a governmental body when necessary to protect third-party interests. *See* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).